

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
3470 Twelfth Street, Riverside, CA 92501
CIVIL MINUTES -- GENERAL

JS - 6

Case No. ED CV 08-01676-SGL(JCx)

Date: January 20, 2009

Title: SANDRA CASIAN -v- EMC MORTGAGE CORPORATION, ET AL.

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PRESENT: HONORABLE STEPHEN G. LARSON, UNITED STATES DISTRICT JUDGE

Jim Holmes
Courtroom Deputy Clerk

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; ORDER
VACATING HEARING DATE

On November 26, 2008, defendants filed a motion to dismiss all the claims in the complaint. The caption on defendants' motions showed that the hearing on them was noticed for March 2, 2009. The Court thereafter re-scheduled the hearing on the motion to January 26, 2009. In the order re-scheduling the matter to the present hearing date, plaintiff was specifically apprised that she had until January 15, 2009, to file an opposition to the motion to dismiss.

This district's Local Rules provide that "[e]ach opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances." See Local Rule 7-9. Accordingly, plaintiff had until January 15, 2009, to file an opposition to defendant's motion to dismiss. The time for plaintiff to file her opposition has come and gone without her doing so.

Plaintiff's failure to file an opposition to defendants' motion to dismiss is deemed by this Court as plaintiff's consent to the granting of the same. See Local Rule 7-12 ("The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion"); see also *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (holding that district court did not err in summarily granting defendants' motion to dismiss pursuant to a local rule where the pro se plaintiff had time to respond to motion but failed to do so).

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Initials of Deputy Clerk: jh

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SANDRA CASIAN v EMC MORTGAGE CORPORATION, ET AL.
MINUTE ORDER of January 20, 2009

Accordingly, defendants' motion to dismiss is **GRANTED** and all the claims in the complaint are hereby **DISMISSED**.

The previously noticed January 26, 2009, hearing on the motion to dismiss is hereby **VACATED**.

IT IS SO ORDERED.